

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Twenty First Judicial District Court, County of Ravalli

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	CAUSE NO. DC-11-030
	)	
-vs-	)	
	)	DECISION
ANDREW DAVID GOLIE,	)	
	)	
Defendant.	)	

On May 9, 2012, for the offense of Charge II: Tampering with Witnesses and Informants, a felony, the Defendant was sentenced, as a persistent felony offender, to the Montana State Prison for a period of twenty (20) years with five (5) suspended. Defendant received credit for 165 days of time served.

On February 23, 2018, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).


It is the majority decision of the Division that the Defendant's sentence be **MODIFIED**. Judge Wilson and Judge Gilbert find that in light of Mr. Golie's nonviolent criminal history and the nonviolent nature of the offense, combined with the factor that his prior felony offense was committed when he was 18 years of age, that the twenty (20) year sentence with five (5) years suspended under the persistent felony offender statute is clearly excessive. **Defendant's new sentence is twenty (20) years to the Montana State Prison with ten (10) years suspended.** The remaining terms and conditions of the sentence imposed are affirmed.

Done in open Court this 23<sup>rd</sup> day of February, 2018.

DATED this 9<sup>th</sup> day of March, 2018.

SENTENCE REVIEW DIVISION

  
Hon. Brenda Gilbert, Member

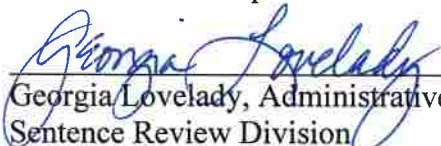
  
Hon. Dan Wilson, Member

Judge Seeley dissents: I find that the sentence imposed is not clearly inadequate nor clearly excessive, and I would affirm.

  
Hon. Kathy Seeley, Chairperson

Copies mailed this 13<sup>th</sup> day  
of March, 2018, to:

Clerk of District Court (Original)  
Andrew David Golie #2082922, Defendant (2)  
Hon. Jeffrey H. Langton  
Brent Getty, Defense Counsel  
Ravalli County Attorney  
Board of Pardons and Parole  
MSP - Records Dept.

  
Georgia Lovelady, Administrative Assistant  
Sentence Review Division